

## UNITED STATES DISTRICT COURT

for the

Northern District of Oklahoma

**FILED**  
OCT 03 2018  
Mark C. McCart, Clerk  
U.S. DISTRICT COURT

## In the Matter of the Search of

(Briefly describe the property to be searched  
or identify the person by name and address)

One Samsung Model: SM-G900A, IMEI 353920060460005, Serial Number:  
R38F50860XV, One Samsung Model: SM-J320AZ, IMEI 356519079081450,  
Serial Number: R28J12S53QK, One LG Model: LG-K373, IMEI:  
354887071431565, Serial Number: 605CYEA143156, One Motorola Model:  
XT1766, IMEI 256691544200344899, no visible serial number, One Samsung  
Model: SM-5727T1, IMEI 354804/09/030418/6, no visible serial number

Case No. 18-mj-128-FHM

**FILED UNDER SEAL****APPLICATION FOR A SEARCH WARRANT**

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment "A":

located in the Northern District of Oklahoma, there is now concealed (identify the person or describe the property to be seized):

See Attachment "B"

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☐ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section  
18 U.S.C. § 922(a)(6)

Offense Description  
Illegal possession of firearm

The application is based on these facts:

See Affidavit of SA Brett Williams, ATF, attached hereto.

- ☒ Continued on the attached sheet.  
☐ Delayed notice of \_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

SA Brett Williams, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 10-3-18


Judge's signature

City and state: Tulsa, OK

U.S. Magistrate Judge Frank H. McCarthy

Printed name and title

**SEARCH WARRANT AFFIDAVIT**

I, Brett Williams (Affiant), being first duly sworn on oath, do hereby depose and say:

1. I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been employed in this capacity since September of 2003. I am currently assigned to the Dallas Field Division, Tulsa field office of the ATF where I am responsible for investigating and enforcing federal laws concerning alcohol, tobacco, firearms and explosive violations. I am classified and trained as a Federal Law Enforcement Officer, with federal statutory arrest authority. Previously I was employed as a Police Officer with the City of Tulsa for 6 years. I also received a Bachelor of Arts degree in Criminal Justice from Oklahoma City University in Oklahoma City, Oklahoma.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

3. Based on the facts set forth in this affidavit, there is probable cause to believe that violations of Title 18 United States Code, § 922(a)(6) have been committed, are being committed, and will be committed by Sarahy REYNOSO and other unknown persons. There is also probable cause to search the TARGET Phones taken from 4120 S. 130th East Ave. Building 10, Apt. 1003, Tulsa, OK, Tulsa County, Northern District of Oklahoma, described as follows:

- One Samsung Model: SM-G900A, IMEI 353920060460005, Serial Number: R38F50860XV,

- One Samsung Model: SM-J320AZ, IMEI 356519079081450, Serial Number: R28J12S53QK,
- One LG Model: LG-K373, IMEI: 354887071431565, Serial Number: 605CYEA143156, One Motorola Model: XT1766, IMEI 256691544200344899, no visible serial number,
- One Samsung Model: SM-5727T1, IMEI 354804/09/030418/6, no visible serial number

for [evidence, instrumentalities, contraband, or fruits] of these crimes.

#### **BACKGROUND OF INVESTIGATION**

4. On September 7, 2018, a Beretta 92FS bearing serial number A186958Z was requested to be traced through the ATF ETrace system after being recovered in Guadalajara, Jalisco, Mexico on August 22, 2018. The trace of the firearm was returned on September 18, 2018 showing Sarahy Guadalupe REYNOSO from Tulsa, Oklahoma purchased the firearm on August 12, 2018 at the Bass Pro Shop located at 101 BASS PRO DR BROKEN ARROW, OK 74012. In the ten days from the purchase of the firearm, it traveled approximately 1315.4 miles to where it was recovered in an unknown crime (report not yet received from Jalisco Mexico).

5. On September 24, 2018, Your Affiant went to the Bass Pro Shop located at 101 Bass Pro Dr. in Broken Arrow, Oklahoma. Your Affiant was provided with two ATF F 4473's with the name Sarahy Guadalupe REYNOSO, DOB: 03/29/1996 on the front page. The first one was dated June 21, 2018 and was for a Beretta model 92FS 9mm pistol bearing serial number A186965Z. REYNOSO filled out the form checking "yes" to section 11a, which states the following: Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You

are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you. Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b. (See Instructions for Question 11.a.)” denoting she was purchasing the firearm for herself. The instructions state the following:

- “Question 11.a. Actual Transferee/Buyer: For purposes of this form, a person is the actual transferee/buyer if he/she is purchasing the firearm for him/herself or otherwise acquiring the firearm for him/herself. (e.g., redeeming the firearm from pawn, retrieving it from consignment, firearm raffle winner). A person is also the actual transferee/buyer if he/she is legitimately purchasing the firearm as a bona fide gift for a third party. A gift is not bona fide if another person offered or gave the person completing this form money, service(s), or item(s) of value to acquire the firearm for him/her, or if the other person is prohibited by law from receiving or possessing the firearm.
- **ACTUAL TRANSFEREE/BUYER EXAMPLES:** Mr. Smith asks Mr. Jones to purchase a firearm for Mr. Smith (who may or may not be prohibited). Mr. Smith gives Mr. Jones the money for the firearm. Mr. Jones is **NOT THE ACTUAL TRANSFEREE/BUYER** of the firearm and must answer “NO” to question 11.a. The licensee may not transfer the firearm to Mr. Jones. However, if Mr. Brown buys the firearm with his own money to give to Mr. Black as a gift (with no service or tangible thing of value provided by Mr. Black), Mr. Brown is the actual transferee/buyer of the firearm and should answer “YES”

to question 11.a. However, the transferor/seller may not transfer a firearm to any person he/she knows or has reasonable cause to believe is prohibited under 18 U.S.C. 922(g), (n) or (x). EXCEPTION: If a person is picking up a repaired firearm(s) for another person, he/she is not required to answer 11.a. and may proceed to question 11.b.”

6. The firearm received a proceed when the form was submitted to the National Instant Criminal Background Check System (NICS) for a background check and REYNOSO was allowed to leave the store with the firearm. Your Affiant spoke with the store associate listed on the ATF F 4473 and provided him a picture of REYNOSO. The associate stated he conducted the transaction and recalled the sale with the individual in the picture. The associate stated REYNOSO came to the counter by herself and did not appear to be with anyone else. The associate stated REYNOSO seemed stoic and knew what she wanted. The associate said he did not detect anything out of the ordinary during the transaction. A receipt of the transaction provided by the General Manager showed REYNOSO paid cash for the transaction in the amount of \$730.70 and included two boxes of Remington 9mm ammunition.

7. On September 12, 2018, REYNOSO returned to the Bass Pro shop and purchased two Beretta model 92FS 9mm pistols. The first pistol was bearing serial number A186891Z and the second firearm, which was the traced firearm was bearing serial number A186958Z. REYNOSO again answered yes on Question 11 a. that the firearms were for her. The ATF F 4473 was run through a NICS background check and came back with a proceed and REYNOSO was allowed to leave the store with the firearm. Your Affiant spoke with the store associate listed on the ATF F 4473 and provided him a picture of REYNOSO. The associate stated he conducted the

transaction and recalled the sale. The associate stated that REYNOSO came to the counter with a white male who was slightly shorter than she was. The associate stated nothing seemed out of place during the transaction and he did not get the feeling the transaction was a straw purchase. The associate stated the two left the counter area at the same time. A receipt of the transaction provided by the General Manager showed REYNOSO paid for the transaction with a Master Card in the amount of \$1432.80, which included two boxes of Remington, 9mm ammunition.

8. On September 21, 2018, your Affiant caused a search of the Oklahoma Department of Public Safety for the Driver's License for Sarahy Reynoso with a date of birth of 3/29/1996. On September 22, 2018, your Affiant received the license information, which listed an address of 2321 S 107<sup>th</sup> East Ave. Tulsa, Oklahoma. This address is the same address REYNOSO used on all three ATF F 4473's she filled out at the FFL's.

9. On September 25, 2018, Your Affiant went to Sooner Guns located at 5663-D S Mingo, Tulsa, Oklahoma and spoke with the owner. The owner provided your Affiant with a ATF F 4473 with the name Sarahy Guadalupe REYNOSO, DOB: 03/29/1996 on the front page. The 4473 was dated May 24, 2018 and was for a Beretta model 92FS 9mm pistol bearing serial number BER65166 and a Taurus PT92 9mm pistol bearing serial number TKR72366. REYNOSO filled out the form checking "yes" to section 11a. The firearm received a proceed when the form was submitted to NICS for a background check and REYNOSO was allowed to leave the store with the firearm. Your Affiant spoke with the owner who stated he conducted the transaction and recalled the sale. The Owner stated REYNOSO came into the store by herself and did not appear to be with anyone else. The owner stated she seemed to know what she wanted. The owner said she told him her dad used to have a Beretta 92FS and she wanted one like his. The owner said she



liked the Taurus which is a knock off of the Beretta but cheaper. The owner said he did not detect anything out of the ordinary during the transaction. The owner checked the receipt and told your Affiant she paid cash for the transaction.

10. Your Affiant searched the ATF ETrace system and reviewed the ATF F 4473's from the Bass Pro Shop, which showed the purchase was part of a multiple sale in which two identical Beretta pistols were purchased. Additional searches revealed another Beretta 92FS was purchased in June of 2018 from the same Bass Pro shop. An additional multiple sale revealed the purchase of a Beretta 92FS and a Taurus PT92 (Beretta 92 knock off) from Sooner Gun located at 5663-D S Mingo, Tulsa, OK on May 24, 2018. Two of the Purchases were paid for with cash while the multiple sale the firearm was traced was paid for with a Master Card. The Master card purchase included the two firearms at \$649.99 each as well as two boxes of 9mm ammunition for a total of \$1,432.80.

11. REYNOSO has ties to the area the firearm was recovered from and claims to have lived in El Arenal, Jalisco, Mexico (via her Facebook page), which is a suburb approximately 25.4 miles Northwest of Guadalajara Jalisco. Your Affiant has learned REYNOSO has traveled across the border of Mexico three times in 2018 from June to July.

12. On September 21, 2018, your Affiant checked the Tulsa Police Department (TPD) Report Management System (TRACIS) for any reports on REYNOSO. TPD TRACIS showed no reports for theft of any firearms or any other contacts.

13. On September 18, 2018, a search of the National Law Enforcement Telecommunications System (NLETS), which revealed REYNOSO, had a State ID number out of

Oklahoma of 2131563. She received the number after applying with the State Department of Health to be a long-term care practitioner.

14. On September 21, 2018, your Affiant caused a search of the National Crime Information Center Network for the name Sarahy REYNOSO with a date of birth of 03/29/1996. The return stated “No identifiable record in the NCIC Interstate Identification Index (III).”

15. On September 21, 2018, your Affiant caused a search of the ATF ETRACE system. The results showed REYNOSO had one firearm trace with a ten-day time to crime and two multiple sales. The ten-day time to crime was to Jalisco, Mexico.

16. On September 26, 2018, your Affiant caused a search of the Oklahoma Supreme Court Network (OSCN) for Sarahy REYNOSO to look for any court hearing involving her. The only entry found was out of Tulsa County, Oklahoma on November 23, 2015 for a marriage license. Your Affiant pulled a copy of the marriage license off the site and it showed on November 23, 2015, Sarahy Guadalupe Reynoso married Luis Enrique De La Torre Tovar.

17. On September 26, 2018, Your Affiant went to the Union Point Apartments located at 4104 S 130 East Ave. Tulsa, Oklahoma. Your Affiant spoke with the manager and received a tenant roster for the complex. Your Affiant looked through the roster and located the name Luis Enroque De La Torre in building 10 apartment 1003. The phone number listed as the home phone (918) 991-2393 also shows to be listed as a phone used by REYNOSO on her Facebook page and in several databases. The address is further listed in multiple sources as being an address REYNOSO has listed as her domicile. The Tenant roster shows the apartment has a lease end date of August 31, 2019 and the rent has been paid for the month of September 2018.



18. On September 28, 2018, Your Affiant spoke with a manager of the Union Point Apartments to inquire about the residence at 4120 S. 130th East Ave., Building 10, Apartment 1003, Tulsa, Oklahoma. The manager told Your Affiant the Apartment is leased to Luis De La Torre and Sarahy Reynoso. The manager then provided your affiant with a copy of the lease agreement, which upon inspection listed both De La Torre and Sarahy Reynoso at the requested address. The lease agreement shows a lease term date from September 1, 2018 through February 28, 2019.

19. On September 28, 2018, Your Affiant executed a federal search warrant at 4120 S. 130<sup>th</sup> East Ave., Building 10, Apartment 1003, The residence of Sarahy Reynoso. Your Affiant was able to interview Reynoso who admitted to straw purchasing the firearms from Bass Pro Shop and Sooner Guns. Reynoso also admitted that all five firearms had been trafficked to, and are currently in Jalisco Mexico.

20. During the search of the residence five cellular telephones were seized. One of the phones was seized from Sarahy Reynoso herself. The three of the phones were taken from a dresser in the Master Bedroom and a fourth was taken from the living room. A sixth phone belonging to Luis De La Torre, husband of Reynoso, was not seized and was left at the residence. The phones included the three Samsung cellular phones, one Motorola cellular phone and one LG cellular phone listed above.

21. Based on my training and experience, your Affiant knows that people whom straw-purchase firearms to be trafficked, utilize cellular phone devices for communication. The devices are used to take and receive pictures, take and receive calls from the traffickers. These communication can contain meeting location, types of firearms wanted, pictures of firearms

desired and purchased, messages detailing money transfers and or bank accounts for the purchase of the firearms and locations to purchase the firearms. These communications can be done through the device and its installed apps that can only be viewed on the phone sending or receiving.

22. Based on my training and experience, your Affiant knows that people whom straw purchase firearms to be trafficked keep receipts from the transactions to show purchase prices to the traffickers requesting them to purchase the firearms. They also keep the boxes the firearms come in as the traffickers typically do not want them, as they are bulky and easily associated with firearms.

23. Pursuant to 18 U.S.C. § 922(a)(6), for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter;.

### **CONCLUSION**

24. Based on the foregoing, I believe there is probable cause to search the TARGET Phones taken from 4120 S. 130th East Ave. Building 10, Apt. 1003, Tulsa, OK, Tulsa County, Northern District of Oklahoma, described as follows:

- One Samsung Model: SM-G900A, IMEI 353920060460005, Serial Number: R38F50860XV,

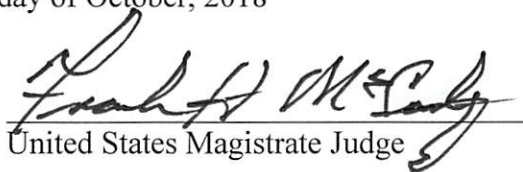
- One Samsung Model: SM-J320AZ, IMEI 356519079081450, Serial Number: R28J12S53QK,
- One LG Model: LG-K373, IMEI: 354887071431565, Serial Number: 605CYEA143156, One Motorola Model: XT1766, IMEI 256691544200344899, no visible serial number,
- One Samsung Model: SM-5727T1, IMEI 354804/09/030418/6, no visible serial number

for a violation of Title 18 United States Code, § 922(a)(6).



BRETT WILLIAMS  
Special Agent  
BUREAU OF ALCOHOL, TOBACCO,  
FIREARMS & EXPLOSIVES

Subscribed and sworn before me this 3<sup>rd</sup> day of October, 2018



United States Magistrate Judge

## **ATTACHMENT A**

1. The Phones to be searched are described as follows:

- One Samsung Model: SM-G900A, IMEI 353920060460005, Serial Number: R38F50860XV,
- One Samsung Model: SM-J320AZ, IMEI 356519079081450, Serial Number: R28J12S53QK,
- One LG Model: LG-K373, IMEI: 354887071431565, Serial Number: 605CYEA143156, One Motorola Model: XT1766, IMEI 256691544200344899, no visible serial number,
- One Samsung Model: SM-5727T1, IMEI 354804/09/030418/6, no visible serial number

## **ATTACHMENT B**

### **ITEMS TO BE SEIZED**

1. All records, contained in the electronic devices described in Attachment A that constitute contraband, fruits, instrumentalities, and evidence of violations of 18 U.S.C. 922(d) – Transfer of a firearm to a prohibited possessor, 18 U.S.C. 922(a)(6) – Providing false information to an FFL during a firearms transaction, and 18 U.S.C. Section 371 – Conspiracy to commit an offense against the United States, including:
2. Any and all electronic data including any names, phone numbers, addresses, contact information, data, text, messages, images, voice memos, photographs, videos, Internet sites, Internet access, documents or other information, contained in the internal, external or removable memory or memories of the cellular phone;
3. Any records containing information that indicates the types, amounts, and prices of firearms trafficked as well as dates, places, and amounts of specific transactions;
4. Any records containing any information related to sources of firearms, including names, addresses, phone numbers, or any other identifying records;
5. Any subscriber information, contact information to include names, addresses, telephone numbers, e-mail addresses or other identifiers;
6. Any call log information, including missed, incoming and outgoing calls and any information associated with those numbers to show evidence of user attribution showing who used or owned the device, such as phonebooks, saved usernames and passwords, documents, and browsing history;
7. Any photographs, video and audio files;
8. Any text messages, e-mail messages, chats, multimedia messages, installed applications or other electronic communications;
9. Any calendar, note, password, dictionary entries;
10. Any Global Positioning Satellite (GPS) entries, Internet Protocol Connections, Location entries to include Cell Tower and WiFi entries;
11. Any Internet or browser entries or history;
12. Any system, data or configuration information contained within the device;

For any computer, computer hard drive, or other physical object upon which computer data can be recorded (hereinafter, "COMPUTER") that is called for by this warrant, or that might contain things otherwise called for by this warrant:

- Evidence of who used, owned, or controlled the COMPUTER at the time the things described in this warrant were created, edited, or deleted, such as logs, registry entries, configuration files, saved usernames and passwords, documents, and browsing history, user profiles, e-mail, e-mail contacts, "chat," instant messaging logs, photographs, and correspondence;
- Evidence of software that would allow others to control the COMPUTER, such as viruses, Trojan horses, and other forms of malicious software, as well as evidence of the presence or absence of security software designed to detect malicious software;
- Evidence of the lack of such malicious software;
- Evidence of the attachment to the COMPUTER of other storage devices or similar containers for electronic evidence;
- Evidence of counter-forensic programs (and associated data) that are designed to eliminate data from the COMPUTER;
- Evidence of the times the COMPUTER was used;
- Passwords, encryption keys, and other access devices that may be necessary to access the COMPUTER;
- Records evidencing the use of the Internet to facilitate the planning and/or organization of criminal activity, including:
  - a. Records of Internet Protocol addresses used; and
  - b. Records of Internet activity, including firewall logs, caches, browser history and cookies, "bookmarked" or "favorite" web pages, search terms that the user entered into any Internet search engine, and records of user-typed web addresses.